CHANGES TO 310 CMR 7

AMEND:
310 CMR 7.00 Definitions.

(amendments are indicated in REDLINE)

Delete: the definition DRY CLEANING FACILITY

HALOGENATED ORGANIC COMPOUND is any compound of carbon (excluding metallic carbides or carbonates and ammonium carbonate) combined with a halogen. For purposes of 310 CMR 7.18, inclusive, halogenated organic compounds are the following specific chemicals: methylene chloride, perchloroethylene (tetrachloroethylene), CFC-11 (trichloro-fluoromethane), CFC-12 (dichlorodifluoromethane), CFC-22 (chloro-difluoromethane), FC-23 (trifluoromethane), CFC-114 (dichlorotetrafluoro-ethane) and CFC-115 (chloropentafluoroethane).

VOLATILE ORGANIC COMPOUND is any compound of carbon which participates in atmospheric photochemical reactions. For the purpose of determining compliance, VOC is measured by the applicable reference test methods specified under 40 CFR 60. This definition includes all organic compounds except the following:

carbon monoxide

...

3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)
1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee)
perchloroethylene (tetrachloroethylene) ...

DELETE:
Existing 310 CMR 7.03(11)

INSERT:
New 310 CMR 7.03(11)

(11) U Dry Cleaning System. Consturction , substantial reconstruction or alteration of any dry cleaning system meeting the design and system criteria of 310 CMR 7.26(10)-(16) proivded yearly perchloroethylene consumption for facilities that use only dry-to-dry machine(s) have a total yearly perchloroethylene consumption less than or equal to 2,100 gallons as determined according to 310 CMR 7.26(14)(c); or for facilities that use only transfer machine system(s) or both dry-to-dry machine(s) and transfer machine system(s) have a total yearly perchloroethylene consumption less than or equal to 1800 gallons as determined according to 310 CMR 7.26(14)(c).
26(1)".

DELETE:

Existing 310 CMR 7.18(13)

INSERT:

New 310 CMR 7.18(13)

(13) Reserved.

ADD:

New section 310 CMR 7.26

7.26 Industry Performance Standards

(1) - (9) Reserved

(10) Perchloroethylene Air Emissions Standards for Dry Cleaning Facilities - Applicability.

(a) The provisions of 310 CMR 7.26(10) through (16) apply to the owner or operator of each dry cleaning facility that uses perchloroethylene that is not a major source.

(b) Each dry cleaning system shall be in compliance with the provisions of 310 CMR 7.26(10) through (16) beginning on April 18, 1997 or immediately upon startup, whichever is later except as provided in 7.26(12)(a) and (b) also referenced.

(c) A dry cleaning facility is a major source if the facility emits or has the potential to emit more than 10 tons per year of perchloroethylene to the atmosphere. In lieu of measuring a facility's potential to emit perchloroethylene emissions or determining a facility's potential to emit perchloroethylene emissions, a dry cleaning facility is a major source if:

1. It includes only dry-to-dry machine(s) and has a total yearly perchloroethylene consumption greater than 2,100 gallons as determined according to 310 CMR 7.26(14)(c); or
2. It includes only transfer machine system(s) or both dry-to-dry machine(s) and transfer machine system(s) and has a total yearly perchloroethylene consumption greater than 1800 gallons as determined according to 310 CMR 7.26(14)(c).

(d) A dry cleaning facility is an area source if it does not meet the conditions of 310 CMR 7.26(10)(c).

(e) If the total yearly perchloroethylene consumption of a dry cleaning facility determined according to 310 CMR 7.26(14)(c) is initially less than the amounts specified in 310 CMR 7.26(10)(c), but then exceeds those amounts, the dry cleaning facility becomes a major source and all dry cleaning systems located at that dry cleaning facility must comply with the appropriate requirements for major sources under 40 CFR 63 Subpart M by 180 calendar days from the date that the facility exceeded the amount specified, or by April 18, 1997 whichever is later.

(f) All coin-operated dry cleaning machines are exempt from the requirements of 310 CMR 7.26(10) through (16).

(11) Definitions The definitions found in 310 CMR 7.00 apply to 310 CMR 7.26(10)-(16). The following words and phrases shall have the following meanings as they appear in 310 CMR 7.03(11) and 7.26(10)-(16). Where a term is defined in the 310 CMR 7.00 Definitions section and the definition also appears in 310 CMR 7.26(11), the definition in 310 CMR 7.26(11) controls for 310 CMR 7.03(11) and 7.26(10)-(16).

Ancillary equipment means the equipment used with a dry cleaning machine in a dry cleaning system including, but not limited to, emission control devices, pumps, filters, muck cookers, stills, solvent tanks, solvent containers, water separators, exhaust dampers, diverter valves, interconnecting piping, hoses, and ducts.

Articles mean clothing, garments, textiles, fabrics, leather goods, and the like, that are dry cleaned.

Area source means any perchloroethylene dry cleaning facility that meets the conditions of 310 CMR 7.26(10)(d).

Carbon adsorber means a bed of activated carbon into which an air-perchloroethylene gas-vapor stream is routed and which adsorbs the perchloroethylene on the carbon.

Coin-operated dry cleaning machine means a dry cleaning machine that is operated by the customer (that is, the customer places articles into the machine, turns the machine on, and removes articles from the machine).

Colorimetric detector tube means a glass tube (sealed prior to use), containing material impregnated with a chemical that is sensitive to perchloroethylene and is designed to measure the concentration of perchloroethylene in air.

Construction, for purposes of 310 CMR 7.26(10) through (16), means the fabrication (onsite), erection, or installation of a dry cleaning system subject to 310 CMR 7.26(10) through (16).

Desorption means regeneration of a carbon adsorber by removal of the perchloroethylene adsorbed on the carbon.

Diverter valve means a flow control device that prevents room air from passing through a refrigerated condenser when the door of the dry cleaning machine is open.

Dry cleaning means the process of cleaning articles using perchloroethylene.

Dry cleaning cycle means the washing and drying of articles in a dry-to-dry machine or transfer machine system.

Dry cleaning facility means an establishment with one or more dry cleaning systems.

Dry cleaning machine means a dry-to-dry machine or each machine of a transfer machine system.

Dry cleaning machine drum means the perforated container inside the dry cleaning machine that holds the articles during dry cleaning.

Dry cleaning system means a dry-to-dry machine and its ancillary equipment or a transfer machine system and its ancillary equipment.

Dryer means a machine used to remove perchloroethylene from articles by tumbling them in a heated air stream (see reclaimer).

Dry-to-dry machine means a one-machine dry cleaning operation in which washing and drying are performed in the same machine.

Exhaust damper means a flow control device that prevents the air-perchloroethylene gas-vapor stream from exiting the dry cleaning machine into a carbon adsorber before room air is drawn into the dry cleaning machine.

Filter means a porous device through which perchloroethylene is passed to remove contaminants in suspension. Examples include, but are not limited to, lint filter (button trap), cartridge filter, tubular filter, regenerative filter, prefilter, polishing filter, and spin disc filter.

Heating coil means the device used to heat the air stream circulated from the dry cleaning machine drum, after perchloroethylene has been condensed from the air stream and before the stream reenters the dry cleaning machine drum.

Major source means any dry cleaning facility that meets the conditions of 310 CMR 7.26(10)(c).

Muck cooker means a device for heating perchloroethylene-laden waste material to volatilize and recover perchloroethylene.

Perceptible leaks mean any perchloroethylene vapor or liquid leaks that are obvious from: (1) the odor of perchloroethylene; (2) visual observation, such as pools or droplets of liquid; or (3) the detection of gas flow by passing the fingers over the surface of equipment.

Perchloroethylene consumption means the total volume of perchloroethylene purchased based upon purchase receipts or other reliable measures.

Reclaimer means a machine used to remove perchloroethylene from articles by tumbling them in a heated air stream (see dryer).

Reconstruction, for purposes of 310 CMR 7.26(10) through (16) means replacement of a washer, dryer, or reclaimer; or replacement of any components of a dry cleaning system to such an extent that the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable new source.

Refrigerated condenser means a vapor recovery system into which an air-perchloroethylene gas-vapor stream is routed and the perchloroethylene is condensed by cooling the gas-vapor stream.

Refrigerated condenser coil means the coil containing the chilled liquid used to cool and condense the perchloroethylene.

Room enclosure means a stationary structure that encloses a transfer machine system, and is vented to a carbon adsorber or an equivalent control device during operation of the transfer machine system.

Source, for purposes of 310 CMR 7.26(10) through (16), means each dry cleaning system.

Still means any device used to volatilize and recover perchloroethylene from contaminated perchloroethylene.

Temperature sensor means a thermometer or thermocouple used to measure temperature.

Transfer machine system means a multiple-machine dry cleaning operation in which washing and drying are performed in different machines. Examples include, but are not limited to: (1) a washer and dryer(s), (2) a washer and reclaimer(s), or (3) a dry-to-dry machine and reclaimer(s).

Washer means a machine used to clean articles by immersing them in perchloroethylene. This includes a dry-to-dry machine when used with a reclaimer.

Water separator means any device used to recover perchloroethylene from a water-perchloroethylene mixture.

Year or Yearly means any consecutive 12-month period of time.

(12) Control Requirements for Dry Cleaning Systems

(a) The owner or operator of each dry cleaning system installed prior to April 18, 1997 shall comply with either 310 CMR 7.26(12)(a)1. or (a)2., except as provided for in 310 CMR 7.26(12)(b).

1. Route the air-perchloroethylene gas-vapor stream contained within each dry cleaning machine through a refrigerated condenser or an equivalent control device. The refrigerated condenser must be operating at all times during the cycle.

2. Route the air-perchloroethylene gas-vapor stream contained within each dry cleaning machine through a carbon adsorber installed on the dry cleaning machine prior to September 22, 1993 if the dry cleaning system is either a transfer machine installed before September 22, 1993 or a dry-to-dry machine installed before December 9, 1991.

(b) The owner or operator of any dry cleaning system and its ancillary equipment installed on or after September 22, 1993, shall comply with 310 CMR 7.26(12)(b) instead of 310 CMR 7.26(a)(1) or (a)(2). However, for a system installed between September 22, 1993 and April 18, 1997, the owner or operator has until October 18, 1997 to comply with 310 CMR 7.26(12)(b) instead of 310 CMR 7.26(a)(1) or (a)(2). (N.B. Installation of transfer machines after September 22, 1993 was prohibited under 40 CFR 63 Subpart M.)

1. Shall route the air-perchloroethylene gas-vapor stream contained within each dry cleaning machine through a properly operated and maintained refrigerated condenser or an equivalent control device; and

2. Shall eliminate any emission of perchloroethylene during the transfer of articles between the washer and dryer(s).

(13) Operation and Maintenance Requirements:

(a) The owner or operator shall close the door of each dry cleaning machine immediately after transferring articles to or from the machine, and shall keep the door closed at all other times except during maintenance operations.

(b) The owner or operator of each dry cleaning system shall operate and maintain the system according to the manufacturers' specifications and recommendations.

(c) Each refrigerated condenser used for the purposes of complying with 310 CMR 7.26(12)(a) or (b) and installed on a dry-to-dry machine, dryer, or reclaimer:

1. Shall be operated to not vent or release the air-perchloroethylene gas-vapor stream contained within the dry cleaning machine to the atmosphere while the dry cleaning machine drum is rotating;

2. Shall be monitored according to 310 CMR 7.26(14)(a)1.; and

3. Where air is pulled through the door when the door is opened after the cycle, then it shall be operated with a diverter valve, which prevents air drawn into the dry cleaning machine when the door of the machine is open from passing through the refrigerated condenser.

4. The temperature of the air-perchloroethylene gas-vapor stream at the end of the cool down cycle on the outlet side of the refrigerated condenser on a dry-to-dry machine, dryer, or reclaimer shall be equal to or less than 45 ^{O}F(7.2

^{o}C).

(d) Each refrigerated condenser used for the purpose of complying with 310 CMR 7.26(12)(a) and installed on a washer:

1. Shall be operated to not vent the air-perchloroethylene gas-vapor contained within the washer to the atmosphere until the washer door is opened;
2. Shall be monitored according to 310 CMR 7.26(14)(a)2.; and
3. Shall not use the same refrigerated condenser coil for the washer that is used by a dry-to-dry machine, dryer, or reclaimer.
4. The temperature difference between the temperature of the air-perchloroethylene gas-vapor stream entering the refrigerated condenser on a washer and the temperature of the air-perchloroethylene gas-vapor stream exiting the refrigerated condenser on the washer shall be greater than or equal to 20 ^{o}F(11.1 ^{o}C).

(e) Each carbon adsorber used for the purposes of complying with 310 CMR 7.26(12)(a):

1. Shall not be bypassed to vent or release any air-perchloroethylene gas-vapor stream to the atmosphere at any time; and
2. Shall be monitored according to the applicable requirements in 310 CMR 7.26(14)(b).

(f) If parameter values monitored under 310 CMR 7.26(13)(c), (d), or (e) do not meet the values specified in 310 CMR 7.26(14)(a), or (b) adjustments or repairs shall be made to the dry cleaning system or control device to meet those values. If repair parts must be ordered, either a written or verbal order for such parts shall be initiated within 2 working days of detecting such a parameter value. Such repair parts shall be installed within 5 working days after receipt.

(g) The owner or operator of a dry cleaning system shall drain all cartridge filters in their housing, or other sealed container, for a minimum of 24 hours, or shall treat such filters in an equivalent manner, before removal from the dry cleaning facility.

(h) The owner or operator of dry cleaning system shall store all perchloroethylene and wastes that contain perchloroethylene in solvent tanks or solvent containers with no perceptible leaks.

(i) The owner or operator of a dry cleaning system shall inspect the following components weekly for perceptible leaks while the dry cleaning system is operating:

1. Hose and pipe connections, fittings, couplings, and valves;
2. Door gaskets and seatings;
3. Filter gaskets and seatings;
4. Pumps;
5. Solvent tanks and containers;
6. Water separators;
7. Muck cookers;
8. Stills;
9. Exhaust dampers;
10. Diverter valves (if required); and
11. Cartridge filter housings.

(j) The components identified in 310 CMR 7.26(13)(i) of the dry cleaning system

must be inspected, at least weekly, for vapor leaks using one of the following methods for detecting vapor leaks:

1. a halogenated-hydrocarbon detector; or
2. a portable gas analyzer; or
3. an air sampling pump and colorimetric tube; or
4. an alternative method approved by the Department.

(k) The owner or operator of a dry cleaning system shall repair all leaks detected under 310 CMR 7.26(13)(i) and (j) within 24 hours. If repair parts must be ordered, either a written or verbal order for those parts shall be initiated within 2 working days of detecting such a leak. Such repair parts shall be installed within 5 working days after receipt.

(14) Test methods and monitoring.

(a) When a refrigerated condenser is used to comply with 310 CMR 7.26(12)(a)1. or (b)1.:

1. The owner or operator shall measure the temperature of the air-perchloroethylene gas-vapor stream on the outlet side of the refrigerated condenser on a dry-to-dry machine, dryer, or reclaimer weekly with a temperature sensor to determine if it is equal to or less than 45 ^{o}F(7.2 ^{o}C). The temperature sensor shall be used according to the manufacturer's instructions and shall be designed to measure a temperature of 45 ^{o}F(7.2 ^{o}C) to an accuracy of $\pm$ 2 ^{o}F($\pm$ 1.1 ^{o}C).

2. The owner or operator shall calculate the difference between the temperature of the air-perchloroethylene gas-vapor stream entering the refrigerated condenser on a washer and the temperature of the air-perchloroethylene gas-vapor stream exiting the refrigerated condenser on the washer weekly to determine that the difference is greater than or equal to 20 ^{o}F(11.1 ^{o}C).

(i) Measurements of the inlet and outlet streams shall be made with a temperature sensor. Each temperature sensor shall be used according to the manufacturer's instructions, and designed to measure at least a temperature range from 32 ^{o}F(0 ^{o}C) to 120 ^{o}F(48.9 ^{o}C) to an accuracy of $\pm$ 2 ^{o}F($\pm$ 1.1 ^{o}C).

(ii) The difference between the inlet and outlet temperatures shall be calculated weekly from the measured values.

(b) When a carbon adsorber is used to comply with 310 CMR 7.26(12)(a)2. the owner or operator shall measure the concentration of perchloroethylene in the exhaust of the carbon adsorber weekly to determine that the perchloroethylene concentration in the exhaust is equal to or less than 100 parts per million by volume. The measurement shall be taken while the dry cleaning machine is venting to that carbon adsorber at the end of the last dry cleaning cycle prior to desorption of that carbon adsorber. The owner or operator shall:

1. Use a colorimetric detector tube designed to measure a concentration of 100 parts per million by volume of perchloroethylene in air to an accuracy of $\pm$ 25 parts per million by volume; and

2. Use the colorimetric detector tube according to the manufacturer's instructions; and

3. Provide a sampling port for monitoring within the exhaust outlet of the carbon adsorber that is easily accessible and located at least 8 stack or duct diameters downstream from any flow disturbance such as a bend, expansion, contraction, or outlet; downstream from no other inlet; and 2 stack or duct diameters upstream from any flow disturbance such as a bend, expansion, contraction, inlet, or outlet.

(c) When calculating yearly perchloroethylene consumption for the purpose of demonstrating applicability according to 310 CMR 7.26(10), the owner or operator shall perform the following calculation on the first day of every month:

1. Sum the volume of all perchloroethylene purchases made in each of the previous 12 months, as recorded in the log described in 310 CMR 7.26(15)(d)(1).

2. If no perchloroethylene purchases were made in a given month, then the perchloroethylene consumption for that month is zero gallons.

3. The total sum calculated in 310 CMR 7.26(14)(c) is the yearly perchloroethylene consumption at the facility.

The perchloroethylene consumption may be determined using an alternative method approved by the Department and EPA.

(15) Recordkeeping and reporting requirements.

(a) Each owner or operator of a dry cleaning facility that did not notify the Administrator in writing by [the promulgation date] shall notify the Department in writing by October 18, 1997 and provide the following information:

1. The name and address of the owner or operator;

2. The address (that is, physical location) of the dry cleaning facility;

3. A brief description of the type of each dry cleaning machine at the dry cleaning facility;

4. Documentation as described in 310 CMR 7.26(14)(c) of the yearly perchloroethylene consumption at the dry cleaning facility for the previous year to demonstrate applicability according to 310 CMR 7.26(10); or an estimation of perchloroethylene consumption for the previous year to estimate applicability with 310 CMR 7.26(10); and

5. A description of the type of control device(s) that will be used to achieve compliance with 310 CMR 7.26(12)(a) or (b) and whether the control device(s) is currently in use or will be purchased.

(b) Each owner or operator of a dry cleaning facility who did not submit to the Administrator by April 18, by registered mail shall, by October 18, 1997, submit to the Department by registered mail a notification of compliance status providing the following information and signed by a responsible official who shall certify its accuracy:

1. The yearly perchloroethylene solvent consumption limit based upon the yearly solvent consumption calculated according to 310 CMR 7.26(14)(c);

2. Whether or not they are in compliance with each applicable requirement of

310 CMR 7.26(12) and (13); and

3. All information contained in the statement is accurate and true.

(c) Each owner or operator of an area source dry cleaning facility that exceeds the solvent consumption limit contained in 310 CMR 7.26(10)(c) shall submit to the Department by registered mail on or before the 30th day following the compliance dates specified in 310 CMR 7.26(10)(e), a notification of compliance status providing the following information and signed by a responsible official who shall certify its accuracy:

1. The new yearly perchloroethylene solvent consumption limit based upon the yearly solvent consumption calculated according to 310 CMR 7.26(14)(c);

2. Whether or not they are in compliance with each applicable requirement of 40 CFR 63 Subpart M; and

3. All information contained in the statement is accurate and true.

(d) Each owner or operator of a dry cleaning facility shall keep receipts of perchloroethylene purchases and a log of the following information and maintain such information on site for at least one year and show it upon request for a period of at least three years:

1. The volume of perchloroethylene purchased each month by the dry cleaning facility as recorded from perchloroethylene purchases; if no perchloroethylene is purchased during a given month then the owner or operator would enter zero gallons into the log;

2. The calculation and result of the yearly perchloroethylene consumption determined on the first day of each month as specified in 310 CMR 7.26(14)(c);

3. The dates when the dry cleaning system components are inspected for perceptible leaks, as specified in 310 CMR 7.26(13)(i) or (j), and the name or location of dry cleaning system components where perceptible leaks are detected;

4. The dates of repair and records of written or verbal orders for repair parts to demonstrate compliance with 310 CMR 7.26(13)(f) or (k);

5. The date and temperature sensor monitoring results, as specified in 310 CMR 7.26(14) if a refrigerated condenser is used to comply with 310 CMR 7.26(12)(a) or (b); and

6. The date and colorimetric detector tube monitoring results, as specified in 310 CMR 7.26(14), if a carbon adsorber is used to comply with 310 CMR 7.26(12)(a)2.

(e) Each owner or operator of a dry cleaning facility shall retain onsite a copy of the design specifications and the operating manuals for each dry cleaning system and each emission control device located at the dry cleaning facility.

(f) Each owner or operator of a dry cleaning facility shall submit to the Department a compliance certification in accordance with 310 CMR 70.00.

(16) Determination of equivalent emission control technology.

(a) Any person requesting that the use of certain equipment or procedures be considered equivalent to the requirements under 310 CMR 7.26(12) and (13) shall

collect, verify, and submit to the Administrator the following information to show that the alternative achieves equivalent emission reductions:

1. Diagrams, as appropriate, illustrating the emission control technology, its operation and integration into or function with dry-to-dry machine(s) or transfer machine system(s) and their ancillary equipment during each portion of the normal dry cleaning cycle;
2. Information quantifying vented perchloroethylene emissions from the dry-to-dry machine(s) or transfer machine system(s) during each portion of the dry cleaning cycle with and without the use of the candidate emission control technology;
3. Information on solvent mileage achieved with and without the candidate emission control technology. Solvent mileage is the average weight of articles cleaned per volume of perchloroethylene used. Solvent mileage data must be of continuous duration for at least 1 year under the conditions of a typical dry cleaning operation. This information on solvent mileage must be accompanied by information on the design, configuration, operation, and maintenance of the specific dry cleaning system from which the solvent mileage information was obtained;
4. Identification of maintenance requirements and parameters to monitor to ensure proper operation and maintenance of the candidate emission control technology;
5. Explanation of why this information is considered accurate and representative of both the short-term and the long-term performance of the candidate emission control technology on the specific dry cleaning system examined;
6. Explanation of why this information can or cannot be extrapolated to dry cleaning systems other than the specific system(s) examined; and
7. Information on the cross-media impacts (to water and solid waste) of the candidate emission control technology and demonstration that the cross-media impacts are less than or equal to the cross-media impacts of a refrigerated condenser.

(b) For the purpose of determining equivalency to control equipment required under 310 CMR 7.26(12 and 13) the Administrator will evaluate the petition to determine whether equivalent control of perchloroethylene emissions has been adequately demonstrated.

(c) Where the Administrator determines that certain equipment and procedures may be equivalent, the Administrator will publish a notice in the Federal Register proposing to consider this equipment or these procedures as equivalent. After notice and opportunity for public hearing, the Administrator will publish the final determination of equivalency in the Federal Register.

CHANGES TO 310 CMR 30

ADD:
TO 310 CMR 30.202(4)

"Photo processors subject to 310 CMR 71.00 are exempt from any requirement in 310 CMR 30.200 regarding Class A recycling permits to recover silver from wastewater, except where specifically stated in 310 CMR 71.00."

ADD:
TO 310 CMR 30.221(5)

" Photo processors subject to 310 CMR 71.00 are exempt from any requirement in 310 CMR 30.200 regarding Class A recycling permits to recover silver from wastewater, except where specifically stated in 310 CMR 71.00."

ADD:
TO "description" column of 310 CMR 30.221(10)

", except such material recycled at a photo processor subject to 310 CMR 71.00."

(NEW)
310 CMR 70.00 ENVIRONMENTAL RESULTS PROGRAM CERTIFICATION

Section

70.01: Purpose and Authority
70.02: Definitions
70.03: Compliance Certification Requirements
70.04: Violations of 310 CMR 70.00

70.01: Purpose and Authority

(1) The purpose of 310 CMR 70.00 is to provide for the protection of public health, safety, welfare and the environment by requiring a facility-wide, performance-based compliance certification.

(2) 310 CMR 70.00 is promulgated pursuant to the authority of M.G.L. c. 21 §§26-53 (the Massachusetts Clean Waters Act), c.21A §§2, 13 and 16, c.21C (the Hazardous Waste Management Act), and c. 111 §§142A-142M (the Massachusetts Clean Air Act).

70.02: Definitions

Definitions The definitions found in 310 CMR 70.02 serve only for the purposes of enforcing the compliance certification requirements contained in 310 CMR 70.00 and are not intended to displace the existing definitions of those terms in the underlying standards.

Department means the Massachusetts Department of Environmental Protection.

Environmental Results Program Facility or ERP Facility means one of the following:

(a) a dry cleaner subject to 310 CMR 310 CMR 7.26(10)-(16); or

(b) a photoprocessor subject to 310 CMR 71.00.

Operator means the person responsible for the over-all operation of an ERP facility.

Owner means any person who has legal or equitable ownership, alone or with others, of an ERP facility, including, but not limited to, any agent, executor, administrator, trustee, lessee, or guardian of the estate for the holder of legal title.

Person means any individual, partnership, corporation, syndicate, company, firm, association, authority, department, bureau, trust or group including, but not limited to, a city, town, county, the Commonwealth and its agencies, and the federal government.

Responsible Official is one of the following:

(a) For a corporation: a president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function who has been duly authorized pursuant to a corporate vote, or a representative of the corporation who has been duly authorized pursuant to a corporate vote provided the representative is responsible for the overall operation of the facility; or

(b) For a partnership or sole proprietorship: a general partner with the authority to bind the partnership or the proprietor, respectively; or

(c) For a municipality, state, federal, or other public agency including any legislatively-created authority, board, commission, district, etc.: either a principal executive officer or ranking elected official who is empowered to enter into contracts on behalf of the municipality or public agency.

Standards means those requirements listed in the certification form referred to in 310 CMR 70.03(4), including but not limited to regulations contained in 310 CMR 7.00, 310 CMR 30.00, 310 CMR 71.00, 310 CMR 72.00, 314 CMR 3.00, 314 CMR 5.00, or 314 CMR 12.00, requirements contained in NESHAP's (40 CFR Part 61 Subparts, and Part 63) or NSPS's (40 CFR Part 60 Subparts) that have been delegated to Massachusetts, and the terms and conditions of any permits issued pursuant to any of those regulations.

70.03: Compliance Certification Requirements

(1) Certification. Each owner and/or operator of an ERP facility shall submit to the Department no later than September 1st of each year, or as required pursuant to 310 CMR 70.03(3), a certification statement signed by a responsible official which:

(a) declares applicable standards as listed in the certification form and states whether the ERP facility is in compliance with the applicable standards; and

(b) identifies the date, type, and reporting date of any violations that were required by applicable law and/or standards as listed in the certification form to be reported to the Department and that occurred within the year prior to the date of the certification statement including, but not limited to, any notifications required pursuant to MGL c.21E, §7 and 310 CMR 40.0300 (releases and threats of release of oil and/or hazardous material), and any reporting of violations required pursuant to 310 CMR 7.02(6) (air pollution control equipment failures), 314 CMR 12.03(8) (emergency bypasses to sewer treatment works), 310 CMR 30.520 (hazardous waste contingency plans) and the terms and conditions of any existing permits issued by the Department.

(2) Certification Statement. Each responsible official providing information required

pursuant to 310 CMR 70.03(1) shall make the following certification:

"I, [name of responsible official], attest under the pains and penalties of perjury:

(i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification statement;

(ii) that, based on my inquiry of those individuals responsible for obtaining the information, the information contained in this submittal is to the best of my knowledge, true, accurate, and complete;

(iii) that systems to maintain compliance are in place at the facility and will be maintained for the coming year even if processes or operating procedures are changed over the course of the year; and

(iv) that I am fully authorized to make this attestation on behalf of this facility.

I am aware that there are significant penalties, including, but not limited to possible fines and imprisonment, for submitting false, inaccurate, or incomplete information."

(3) New ERP Facilities, Recommencement of Facility Operation, and Transfer of Ownership. Within sixty days of: (a)the commencement of operation of a new ERP facility; (b) the recommencement of operation of an ERP facility for which no certification was submitted during the year prior to recommencement; or (c) acquiring an ERP facility, each owner and/or operator of the ERP facility shall submit a compliance certification in accordance with 310 CMR 70.03(1) and (2).

(4) Certification Form. Each compliance certification required pursuant to 310 CMR 70.03 shall be on a form prescribed by the Department and shall address compliance with standards to which the ERP facility is subject. The certification form may include specialized forms for specific categories of ERP facilities, and any owner/operator required to submit a certification pursuant to 310 CMR 70.03 shall submit all forms applicable to the ERP facility being certified.

70.04: Violations of 310 CMR 70.00

It shall be a violation of 310 CMR 70.00 for any person to:

(1) fail to submit a certification pursuant to 310 CMR 70.03(1);

(2) make any false, inaccurate, incomplete, or misleading statements in any certification required pursuant to 310 CMR 70.03;

(3) make any false, inaccurate, incomplete or misleading statements in any record, report, plan, file, log, or register which that person is required to keep pursuant to the applicable standards;

(4) hold themselves out as a responsible official in violation of the requirements contained in 310 CMR 70.02;

(5) fail to comply with the applicable standards; or

(6) violate any other provision of 310 CMR 70.00.

The Department reserves the right to exercise the full extent of its legal authority, pursuant to M.G.L. c. 21 §§26-53 (Massachusetts Clean Waters Act), c.21A §§2, 13 and 16, c.21C (Hazardous Waste Management Act), and c. 111 §§142A-142M (Massachusetts Clean Air Act), in order to obtain full compliance with all requirements applicable to ERP facilities, including but not limited to, criminal prosecution, fines, civil and administrative penalties, and orders.

(NEW)
310 CMR 71.00 Industrial Wastewater Regulations for Photo Processors

310 CMR 71.01: Purpose and Authority
310 CMR 71.02: Definitions
310 CMR 71.03: Applicability
310 CMR 71.04: Performance Standard for Photo Processors With Equivalent POTW Permits
310 CMR 71.05: Performance Standard for Photo Processors Without Equivalent POTW Permits That Discharge or Ship Industrial Wastewater to a POTW
310 CMR 71.06: Supplemental Requirements for Photo Processors
310 CMR 71.07: Compliance Certification for Photo Processors

310 CMR 71.01 Purpose and Authority

(1) The purpose of these regulations is to provide for the protection of public health, safety, welfare and the environment by establishing performance standards for photo processors and requiring a performance-based facility-wide compliance certification in accordance with 310 CMR 70.00.

(2) 310 CMR 71.00 is promulgated pursuant to the authority of M.G.L. c.21, §26-53 and M.G.L.c. 21C.

310 CMR 71.02 Definitions

Cartridge unit means any variety of hollow canisters containing steel wool or fiberglass fibers impregnated with iron filings which are used for silver recovery. These units use metallic replacement to recover silver. They are sometimes called "chemical recovery cartridges", "metallic recovery cartridges" or "canisters".

Class A recycling permit means a permit issued pursuant to 310 CMR 30.221.

Container means any portable device in which an industrial wastewater is stored, transported, treated, disposed of, or otherwise handled.

Equivalent POTW Permit means a permit issued by a Publicly Owned Treatment Works (POTW) containing an effluent limit of no more than 2 mg/l for total silver (i.e., 2 parts per million).

Industrial Wastewater means wastewater resulting from any process of industry, trade or business, regardless of volume or pollutant content. Wastewater which contains only sewage, non-contact cooling water , compressor or air conditioner condensate, including wastewaters

from restaurants and school/industry cafeterias is **not** considered industrial wastewater.

Photo processor means an facility, as defined in 310 CMR 71.00, that performs photo processing (i.e., processing color and black and white prints and slides).

Photo processing means processing color or black and white film, prints, or slides.

Publicly Owned Treatment Works or POTW means any device or system used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature which is owned by a public entity. A POTW includes any sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

Silver Recovery System means all the silver recovery units involved in removing silver from wastewater.

Silver Recovery Unit or unit means equipment or a process that removes silver from solutions such as fixers, bleach fixers, washless stabilizers, and low flow washes.

Small scale precipitation unit means an enclosed pre-assembled unit which uses chemicals to cause the silver to settle to the bottom of the container. The water is then separated from the silver on the bottom and is discharged. The resultant sludge is sent off-site for refining.

Tank means a stationary device used to store or contain an accumulation of industrial wastewater and which is constructed of non-earthen materials (e.g., concrete, steel or plastic) which provide structural support.

310 CMR 71.03 Applicability

(1) Unless exempt pursuant to 310 CMR 71.03(2), the following photo processors are subject to 310 CMR 71.00:
   (a) photo processors that perform photo processing in a commercial space; or
   (b) photo processors that use automated photo processing equipment.

(2) The following photo processors are exempt from 310 CMR 71.00:
   (a) photo processors that discharge or generate industrial wastewater from photo processing and industrial wastewater from other industrial processes;
   (b) photo processors that process motion picture film;
   (c) photo processing performed in a dental or other medical offices;
   (d) photo processors described in 310 CMR 71.07(1)(a) and (b) that are not required to submit a compliance certification. Such exemption shall expire at the earlier of an election by an otherwise exempted photo processor to certify in accordance with 310 CMR 71.00, or at the expiration of any permit, described in 310 CMR 71.07(1)(a) or (b), held by that otherwise exempted photo processor.
   (e) photo processing performed in a residence; and
   (f) photo processors using only hand tray processing.

310 CMR 71.04 Performance Standard for Photo Processors With Equivalent POTW Permits

Each photo processor with an equivalent POTW permit shall comply with that equivalent POTW permit and the applicable requirements of 310 CMR 71.06.

310 CMR 71.05 Performance Standard for Photo Processors Without Equivalent POTW Permits That Discharge or Ship Industrial Wastewater to a POTW

Each photo processor without an equivalent POTW permit that discharges or ships industrial wastewater to a POTW shall comply with the applicable requirements of 310 CMR 71.06 and the following:

(1) Discharge Limit: Each photo processor shall not discharge or ship industrial wastewater to a POTW unless the wastewater from photo processing contains no more than 2 mg/l (i.e., 2 parts per million) of silver, measured in accordance with 310 CMR 71.05(3).

(2) Operation and Maintenance: Each photo processor shall maintain a silver recovery unit in accordance with the manufacturer's or vendor's instructions to meet the 2 mg/l silver limit.

(3) Sampling and Analysis: Each photo processor shall sample its wastewater and shall analyze the sample for silver content.

(a) Frequency: Sampling and analysis shall occur as frequently as necessary to demonstrate that the discharge complies with 310 CMR 71.05(1) and 71.06(2), and at least monthly, unless the Department approves a different frequency, or unless a different frequency is set in accordance with a process reviewed and approved by the Department.

(b) Methodology: The sample shall be representative of wastewater composition during the selected day, and shall be taken after the photo finishing process (i.e., after combination with other wastestreams from photo processing) but prior to dilution with other wastewater. The sample shall be analyzed by a state-certified laboratory, a photographic equipment manufacturer, or a photochemical manufacturer provided that the lab uses methods prescribed in Standard Methods for the Examination of Water and Wastewater, issued by the American Health Association, American Waterworks Association, and the Water Pollution Federation, 1992 edition or more recent.

(4) Recordkeeping and Reporting: Each photo processor shall keep the following records

on-site for at least three (3) years, and shall submit the following records to DEP with the compliance certification required pursuant to 310 CMR 71.07:

(a) sampling dates and results conducted in accordance with 310 CMR 71.05(3);
(b) for silver recovery systems with cartridge units, date(s) of silver recovery cartridge installation and replacement;
(c) for silver recovery systems without cartridge units, date(s) that the silver recovery unit is cleaned or serviced and evidence of compliance with 257 CMR 2.00 (Rules and Regulations for Certified Operators of Wastewtater Treatment Facilities) including, but not limited to, date(s) of training(s) and course content;
(d) total amount of wastewater discharged in the past twelve (12) months; and
(e) total amount of wastewater passing through the silver recovery system in the past twelve (12) months.

310 CMR 71.06 Supplemental Requirements for Photo Processors

(1) Photo processors shall not discharge industrial wastewater to the ground without a groundwater permit pursuant to 314 CMR 5.00, and shall not discharge industrial wastewater to surface water without a permit pursuant to 314 CMR 3.00. Discharge of industrial wastewater to a septic or on site disposal system is prohibited.

(2) Photo processors subject to 310 CMR 71.00 that use silver recovery systems with cartridges or non-cartridges shall comply with the general and specific prohibitions listed below:

A) General Prohibitions. No person shall discharge or cause to be discharged to a POTW any substances, materials or wastewaters that can harm the sewers, wastewater treatment process, or equipment; have an adverse impact on the receiving waters or can otherwise endanger life, limb, public property or constitute a nuisance.

In determining the acceptability of these wastewaters, consideration shall be given to such factors as the quantities of such wastewaters in relation to flows and velocities in the sewers, materials or construction of sewers,nature of the wastewater treatment process, capacity of the wastewater treatment process, degree of treatability of such wastewaters in the wastewater treatment plant, and other pertinent factors. Pollutants introduced into POTWs by a non domestic source shall not pass through the POTW or interfere with the operation or performance of the works. These general prohibitions and the specific prohibitions listed 310 CMR 71.06(B) apply to all non-domestic sources introducing pollutants into a POTW whether or not the source is subject to other pretreatment standards or any other Federal, State or local pretreatment requirements.

B) Specific Prohibitions. In addition, the following pollutants shall not be introduced into a POTW:

(1) Pollutants which create a fire or explosion hazard in the POTW;
(2) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.5 or more than 9.5, unless the works is

specifically designed to accommodate such discharges;

(3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;

(4) Any pollutant, including oxygen demanding pollutants discharged in a flow rate and/or pollutant concentration which will cause interference with the POTW;

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C(104°F) unless the Division, upon request of the POTW, approves alternate temperature limits.

(3) Photo processors using holding tanks for hazardous waste shall:

(a) maintain tanks and containers holding hazardous waste to be recycled on site in accordance with 310 CMR 30.205(19);

(b) maintain tanks and containers holding hazardous waste to be shipped off site in accordance with 310 CMR 30.340, 310 CMR 30.351, or 310 CMR 30.353, as applicable;

(c) maintain records in accordance with 310 CMR 30.310, 310 CMR 30.331, and 310 CMR 30.353(9), as applicable, in order to demonstrate that all hazardous waste is shipped off-site to a facility authorized to receive it pursuant to 310 CMR 30.305 or 310 CMR 30.353(8).

(4) Photo processors using silver recovery systems which are not directly piped to the photo processing wastestream shall:

(a) comply with any existing Class A recycling permit for the unit;

(b) maintain tanks and containers holding hazardous industrial wastewater in accordance with 310 CMR 30.205(19);

(c) record amount of industrial wastewater passing through their silver recovery unit and submit it annually to the Department; and

(d) manage any hazardous waste byproducts either as a regulated recyclable material in accordance with 310 CMR 30.200 or as a hazardous waste in accordance with 310 CMR 30.000.

(5) Photo processors using tanks or containers to store non-hazardous industrial wastewater shall:

(a) use tanks which

(i) have a containment structure with 110% capacity of the total volume of all above-ground tanks;

(ii) have a bell and light alarm in a conspicuous location if they are remotely/automatically filled tanks. The alarm must activate when the level of wastewater reaches seventy-five (75) percent capacity of the tank and the alarm signal must be transmitted to a staffed location. Manually filled tanks must be provided with visual or sight glass type of level measurement;

(iii) are located to provide year round access for emptying;

(iv) have odor control as necessary;

(v) are made of, or lined with, materials which will not react with, and otherwise be

compatible with the, industrial wastewater to be stored; and

(vi) are located in a secured storage area which is free of cracks and gaps that is sufficiently impervious to contain leaks and spills, and,

(vii) have a label indicating contents are non-hazardous.

(b) use containers which

(i) satisfy requirements set by the Department of Transportation for transportation of waste off-site,

(ii) have a label indicating contents are non-hazardous, and,

(iii) are located in a secured storage area which is free of cracks and gaps that is sufficiently impervious to contain leaks and spills.

(c) maintain records sufficient to demonstrate that all industrial wastewater is shipped off-site to the POTW, including, but not limited to, transporter name and address, dates of shipment, amount shipped, and destination. These records shall be kept on-site for at least three (3) years.

(d) implement the following operating procedures and work practices:

(i) spill control measures when filling, emptying or transporting containers

(ii) report to the local Board of Health within twenty-four (24) hours any occurrence of spills released to the environment.

310 CMR 71.07 Compliance Certification for Photo Processors

Beginning on September 1, 1997, and annually thereafter, photo processors shall submit to the Department a compliance certification in accordance with 310 CMR 70.00, except that

(a) Photo processors discharging to a POTW holding any sewer connection permit issued pursuant to 314 CMR 7.00 and a hazardous waste recycling permit issued pursuant to 310 CMR 30.200 or a license to treat industrial wastewater pursuant to 310 CMR 30.800 need not submit such certification until one of these permits expires, at which time such certification shall be submitted in accordance with 310 CMR 71.07, and,

(b) photo processors that do not discharge to the POTW that recycle or treat hazardous waste on-site, and that hold a recycling permit issued pursuant to 310 CMR 30.200 or a license issued pursuant to 310 CMR 30.800 need not submit such certification until the expiration of the permit or license, at which time such certification shall be submitted in accordance with 310 CMR 71.07.

(NEW)
310 CMR 72.00 Industrial Wastewater Standard for Dry Cleaners

310 CMR 72.01 Purpose and Authority
310 CMR 72.02 Definitions
310 CMR 72.03 Applicability
310 CMR 72.04 Performance Standard for Dry Cleaners
310 CMR 72.05 Compliance Certification for Dry Cleaners

310 CMR 72.01 Purpose and Authority

(1) The purpose of these regulations is to provide for the protection of public health, safety, welfare and the environment by establishing industrial wastewater performance standards for dry cleaners and requiring a performance-based facility-wide compliance certification in accordance with 310 CMR 70.00.

(2) 310 CMR 72.00 is promulgated pursuant to the authority of M.G.L. c.21, §26-53, M.G.L.c. 21C and M.G.L.c. 111, ss. 142A-142J.

310 CMR 72.02 Definitions

POTW Permit means a permit issued by a Publicly Owned Treatment Works (POTW).

Industrial Wastewater means wastewater resulting from any process of industry, trade or business, regardless of volume or pollutant content. Wastewater which contains only sanitary waste, and/or non-contact cooling water, compressor or air conditioner condensate is not considered industrial wastewater for purposes of determining applicability of the regulations at 310 CMR 72.00.

Publicly Owned Treatment Works or POTW means any device or system used in the treatment (including recycling and reclamation) of sewage or industrial wastewater which is owned by a public entity. A POTW includes any sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

Separator water means the wastewater phase produced by a water separator, such as a refrigerated condensor, carbon adsorber, still or muck cooker, used for the recovery of perchloroethylene vapors from dry cleaning equipment at a dry cleaning facility subject to 310 CMR 7.26. The following terms shall have the same meaning as set forth in 310 CMR 7.26(11): "water separator", "refrigerated condensor", "carbon adsorber", "still", and "muck cooker".

310 CMR 72.03 Applicability

(1) 310 CMR 72.00 applies to dry cleaners that are subject to 310 CMR 7.26.

(2) 310 CMR 72.00 does not apply to dry cleaners that are also industrial laundries described by SIC codes 7213 and 7218.

310 CMR 72.04 Performance Standard for Dry Cleaners

(1) No dry cleaner shall discharge industrial wastewater to the ground, septic system, or other on-site disposal system without a groundwater discharge permit pursuant to 314 CMR 5.00, or to surface water without a permit pursuant to 314 CMR 3.00.

(2) Each dry cleaner with a POTW permit shall comply with the terms and conditions of that permit.

(3) Each dry cleaner shall comply with the general and specific prohibitions listed below:

a) General Prohibitions. No person shall discharge or cause to be discharged to a POTW any substances, materials or wastewaters that can harm the sewers, wastewater treatment process, or equipment; have an adverse impact on the receiving waters or can otherwise endanger life, limb, public property or constitute a nuisance.

In determining the acceptability of these wastewaters, consideration shall be given to such factors as the quantities of such wastewaters in relation to flows and velocities in the sewers, materials or construction of sewers,nature of the wastewater treatment process, capacity of the wastewater treatment process, degree of treatability of such wastewaters in the wastewater treatment plant, and other pertinent factors. Pollutants introduced into POTWs by a non domestic source shall not pass through the POTW or interfere with the operation or performance of the works. These general prohibitions and the specific prohibitions listed in the 310 CMR 72.04(3)(b) apply to all non-domestic sources introducing pollutants into a POTW whether or not the source is subject to other pretreatment standards or any other Federal, State or local pretreatment requirements.

b) Specific Prohibitions. In addition, the following pollutants shall not be introduced into a POTW:

(1) Pollutants which create a fire or explosion hazard in the POTW;

(2) Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.5 or more than 9.5, unless the works is specifically designed to accommodate such discharges;

(3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;

(4) Any pollutant, including oxygen demanding pollutants discharged in a flow rate and/or pollutant concentration which will cause interference with the POTW;
(5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C(104°F) unless the Division, upon request of the POTW, approves alternate temperature limits.
(6) Wastewater containing perchloroethylene, except that separator water may be discharged.

(4) Each dry cleaner that treats industrial wastewater shall comply with 314 CMR 12.03(3) and 12.04(2).

(5) Dry cleaners using tanks or containers to store industrial wastewater shall:
(a) use tanks which
(i) have a containment structure with 110% capacity of the total volume of all above-ground tanks;
(ii) have a bell and light alarm in a conspicuous location if they are remotely/automatically filled tanks. The alarm must activate when the level of wastewater reaches seventy-five (75) percent capacity of the tank and the alarm signal must be transmitted to a staffed location. Manually filled tanks must be provided with visual or sight glass type of level measurement;
(iii) are located to provide year round access for emptying;
(iv) have odor control as necessary;
(v) are made of, or lined with, materials which will not react with, and otherwise be compatible with the, industrial wastewater to be stored; and,
(vi) are located in a secured storage area which is free of cracks and gaps that is sufficiently impervious to contain leaks and spills.
(b) use containers which
(i) satisfy requirements set by the Department of Transportation for transportation of waste off-site, and
(ii) are located in a secured storage area which is free of cracks and gaps that is sufficiently impervious to contain leaks and spills.
(c) maintain records sufficient to demonstrate that all industrial wastewater is shipped off-site to the POTW, including, but not limited to, transporter name and address, dates of shipment, amount shipped, and destination. These records shall be kept on-site for at least three (3) years.

(d) implement the following operating procedures and work practices:
(i) spill control measures when filling, emptying or transporting containers
(ii) report to the local Board of Health within twenty-four (24) hours any occurrence of spills released to the environment

(6) Wastewater containing perchloroethylene shall not be evaporated, except that separator water may be evaporated.

310 CMR 72.05 Compliance Certification for Dry Cleaners

Beginning on September 1, 1997, and annually thereafter, dry cleaners shall submit to the Department a compliance certification in accordance with 310 CMR 70.00.

CHANGES TO 315 CMR 7

ADD:
314 CMR 7.05 Exemptions

(6) Dry cleaners subject to 310 CMR 72.00 are not subject to 314 CMR 7.00.
(7) Photo processors subject to 310 CMR 71.00 are not subject to 314 CMR 7.00.

ADD:
314 CMR 12.10 Exemptions

(1) Except for 314 CMR 12.03(3), 12.04(2), 12.08(1) and (2), dry cleaners subject to 310 CMR 72.00 need not comply with any other provisions of 314 CMR 12.00.

(2) Photo processors subject to 310 CMR 71.00 need not comply with any provisions of 314 CMR 12.00.